

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

OCTOBER/NOVEMBER 2003



Chief Justice Linda Copple Trout (right) recently conducted a community outreach session on the campus of Lewis and Clark State College in Lewiston. The Chief Justice is shown here visiting with LCSC President Dene Thomas and two students at the college. Justice Roger Burdick also participated in the Lewiston session. Another public outreach program was held in Rexburg on October 23.

Grant to Update Reports

The ISP has secured a grant to hire court clerks to review and update felony disposition reports for cases from 1995 through the end of 2002. Ada, Bannock, Bonner, Bonneville, Canyon, Cassia, Kootenai, Minidoka, Nez Perce, and Twin Falls Counties will be involved in the project. For more information contact John Peay 208-334-3868.

Milestone In Clerk's Office

The Idaho Supreme Court Clerk's office recently reached an historic milestone with the filing of the 30,000 case. The milestone is indicative that the caseload in the Idaho Courts continues to increase and nearly 100 appeals are filed each month.

The Court of Appeals was established in 1982 due to the increased appellate caseload. Fred Lyon was hired in January that same year, as the Clerk of the Courts. At that time the docket number was 14,703. Fred has his name on the covers of Volumes 103 through 137 of the Idaho Reports so far. Way to go Fred! Keep up the good work!

Certified Court Interpreter Hired in Ada County

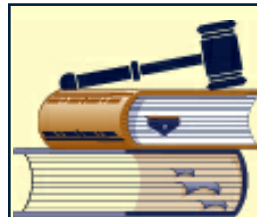
Sandra Cockayne is certified in the State of Idaho as a Court Interpreter for the Spanish language, and as many of you know, for the past few years has provided interpreter services for the 4th District.

In addition, her experience includes interpreting at the Court of Appeals, providing interpreter services for depositions and attorney/client interviews, as well as interpreting in the medical setting. Ms. Cockayne will be located in the Trial Court Administrators office in the Ada County Courthouse. Welcome to the Courts!

Fact Sheet Available on "Juveniles and Drugs"

The Office of National Drug Control Policy has announced the availability of "Juveniles and Drugs" an eight-page fact sheet summarizing current information on juveniles and illicit drugs. The fact sheet is available online at

www.whitehousedrugpolicy.gov/publications/factsht/juvenile/196879.pdf



New Orders & Rule Changes

<http://www2.state.id.us/judicial/rulesamd.htm>

⚖️ ICAR 12:

<http://www2.state.id.us/judicial/icar1203.htm>

⚖️ IIR 9 :

<http://www2.state.id.us/judicial/IIR9b&c.htm>

Districts 6 & 7 Receive Justice Grant

A grant in the amount of \$75,000 has been awarded to the Sixth and Seventh Judicial Districts to implement a differentiated case management and case coordination project entitled **"Protecting Children in High Conflict Family Cases."**

The project will run for one year and will be coordinated with an ISTARS enhancement that is currently being designed to provide judges, clerks and family court service coordinators with a link to other cases relating to the same family.

The Sixth and Seventh Districts will develop differentiated case management models that build on the *Protecting Children of High Conflict Divorce Benchbook Protocol*. The case management models will be designed to fit both rural and more populated areas. It is anticipated that this project will assist families and courts by identifying and addressing underlying issues and connecting families to resources that fit the unique needs of the family to promote long-term resolution to cases involving children. For more information, contact Viki Howard at viki@mindspring.com.

Advocate Applauded by ABA

The September issue of *The Advocate*, the State Bar magazine, was dedicated to the Idaho Judiciary and the edition has received special recognition from the American Bar Association. The issue included articles about "Children & Families in the Courtroom", "A View from the Bench", "CASA Association Opens State Office", "Committee to Increase Access to the Courts", "Drug Courts: Changing Peoples' Lives", "Big Money and Judicial Independence", "The Judge's Laptop at the Bench", "The Unique Philosophy and History of Juvenile Courts", "The Small Lawsuit Resolution Act", "Legal Masterpieces: The Giants of American Law", and "Children Can't Wait".

Ken Goldsmith, Director for State Legislation of the American Bar Association's Governmental Affairs Office, said: "In my position, I review most every bar journal, perusing the pages for stories, even of seemingly local interest, that are of direct relevance to the bar as a whole. Accordingly, I felt compelled to stop to commend the staff and writers of this month's *The Advocate* for such an excellent issue."

A very **special thanks** to all those who contributed such engaging articles to *The Advocate*.



Important Websites

- ⚖️ **Idaho Supreme Court:** <http://www2.state.id.us/judicial/>
- ⚖️ **Idaho State Law Library:**
<http://www2.state.id.us/lawlib/lawlib.html>
- ⚖️ **Idaho State Bar:** <http://www2.state.id.us/isb>
- ⚖️ **Court Assistance Offices:** <http://www2.state.id.us/cao>
- ⚖️ **Idaho Law Foundation 2001 – 2002 Annual Report Online:**
http://www2.state.id.us/isb/gen/ilf_info.htm#Annual
- ⚖️ **National Center for State Courts:** <http://www.ncsconline.org>

Broward County Expands Court for Mentally III

Select this link to access an article about Broward County, Florida's expansion of an experimental court for mentally ill that will include low-level felony cases:

<http://sunsentinel.com/news/local/southflorida/sfl-mental23aug25,1,4387787.story>

Odds & Ends

Public Education and the Courts: Guide for Individual Judges

In an issue of *Law Matters* from the American Bar Association Division of Public Education, the cover story features a new resource for judges called, "Public Education and the Courts: Guide for Individual Judges," that was unveiled at the Conference of Chief Justices annual meeting. The link to the booklet is

<http://www.abanet.org/publiced/volunteer/judgesbooklet.pdf>

Survey Focuses on Substance Abuse

The National Center on Addiction and Substance Abuse (CASA) at Columbia University has issued a new report on American attitudes on substance abuse. Visit the Center's website to download the full-text of the survey and for further information about CASA:

http://www.casacolumbia.org/usr_doc/2003_Teen_Survey.pdf

Report on District Court and Magistrate Division Cases Filed

The tables below provide a look at statewide district court and magistrate division cases filed for the first half of this year, as compared to data for the same period for 2000, 2001, and 2002.

According to John Peay's analysis, district court filings are up as a result of increased felony filings. Civil filings are within one case of

where they were at this time last year. Magistrate filings are down, due to a fairly significant drop in infraction filings. Magistrate civil filings are up dramatically over last year while special proceedings are up slightly.

DISTRICT COURT CASES FILED

January through June

	2000	2001	2002	2003
Domestic Violence	–	–	3	3
Domestic Relation	32	30	41	46
Personal Inj./Prop. Damage	739	715	728	762
Support Proceedings	–	1	2	23
Other Complaints/Petitions	2,254	2,005	2,777	2,721
Small Claims	10	9	10	7
Total Civil	3,035	2,760	3,561	3,562
Felonies: Drug	1,346	1,029	1,557	1,969
Felonies: DUI	197	215	263	313
Felonies: All Other	3,934	3,081	3,568	3,543
Misdemeanor: Drug	32	37	43	36
Misdemeanor: DUI	29	34	38	30
Misdemeanor: Motor Vehicle	14	12	17	27
Misdemeanor: All Other	295	214	272	203
Infractions	15	11	14	17
Total Criminal	5,862	4,633	5,772	6,138
Juvenile	14	16	17	17
CPA	4	4	11	8
Adoption: Termination Parental	3	5	4	5
Guardianship: Minors	1	3	–	1
Guardianship: Incapacitated	3	2	3	3
Informal Estate Proceedings	1	3	7	3
Formal Estate Proceedings	–	1	1	–
BCA: License Suspension	12	6	9	5
Habeas Corpus	21	23	39	20
All Other Special Proceedings	188	195	198	248
Family Law License Suspension	–	1	–	1
Total Special Proceedings	247	259	289	311
TOTAL	9,144	7,652	9,622	10,011



MAGISTRATE DIVISION CASES FILED

January through June

	2000	2001	2002	2003
Domestic Violence	2,811	2,175	2,586	3,005
Domestic Relations	6,369	4,935	6,090	7,396
Personal Inj/Prop. Damage	37	46	36	25
Support Proceedings	742	510	801	1,213
Other Complaints/Petitions	16,297	13,345	18,346	20,083
Small Claims	10,804	8,590	9,835	10,976
Total Civil	37,060	29,601	37,694	42,698
Felonies: Drug	1,514	1,110	1,577	1,668
Felonies: DUI	263	242	310	272
Felonies: All Other	3,051	2,274	2,950	3,133
Misdemeanor: Drug	2,775	2,175	3,008	3,306
Misdemeanor: DUI	5,803	4,657	5,360	5,523
Misdemeanor: Motor Vehicle	22,602	16,450	17,888	17,536
Misdemeanor: All Other	38,793	31,342	31,644	31,705
Infractions	116,380	107,790	115,230	106,736
Total Criminal	191,181	166,040	177,967	169,879
Juvenile	7,375	5,947	6,353	6,357
CPA	662	614	624	615
Adoption: Termination Parental	531	450	555	589
Guardianship: Minors	277	184	230	234
Guardianship: Incapacitated	393	303	424	425
Informal Estate Proceedings	2,119	1,639	1,819	1,775
Formal Estate Proceedings	101	94	239	350
BAC: License Suspension	1,580	1,305	1,501	1,482
Habeas Corpus	41	28	19	15
All Other Special Proceedings	2,005	1,681	2,235	2,295
Family Law License Suspension	9	9	9	6
Total Special Proceedings	15,093	12,254	14,008	14,143
TOTAL	243,334	207,895	229,669	226,720





A round-up of judicial personnel making news across Idaho

Bush Named 6th District Judge

Governor Dirk Kempthorne has appointed Pocatello attorney Ronald A. Bush as the new Sixth District Court Judge. Bush replaces Judge William H. Woodland, who is retiring from the bench after 25 years of distinguished service.

Judge Bush is an Eastern Idaho native. He earned his undergraduate degree from the University of Idaho and his law degree from the George Washington University Law School. He has been a partner at one of Idaho's oldest law firms, Hawley Troxell Ennis & Hawley, since 1988.

"Ronald has deep roots in Eastern Idaho and Pocatello," Governor Kempthorne said. "He has a very sophisticated law practice with one of the state's top law firms. I have a great appreciation for Ronald's intellect and ability to handle very complex cases. He will also bring great compassion and integrity to the people of the Sixth Judicial District."

Governor Appoints Twin Falls Attorneys to Fifth Judicial District Judge Posts

"Rich Bevan will be a law and order judge", Kempthorne said. His perspective and background in criminal law will serve him and the people of Idaho very well in his new position. Judge Bevan will be sworn in on November 14 and chambered in Twin Falls, as Fifth District Judge. Bevan is a Twin Falls native and was Twin Falls Prosecuting Attorney from 1993 to 1997. He has been practicing law with the Hollifield & Bevan law firm in Twin Falls since 1997.

John K. Butler will replace Justice Nathan Higer, who retired from the bench earlier this month. "John's track record with complex cases and issues in civil law is very impressive", Kempthorne said. "He has an excellent background with extremely complicated litigation that proves his legal mind is among Idaho's best". Butler will be sworn in on November 26 and chambered in Jerome. He has been practicing law in Twin Falls since 1994. John Butler has been an associate and partner with Alexander, Harwood, High & Butler since 1994.

The "top ten" longest serving Idaho Judges

1. Justice Gerald Schroeder 01/11/71
2. Judge Don Swanstrom 09/01/71
3. Judge Richard Schmidt 01/01/75
4. Judge Linda Cook 01/01/76
5. Judge John Sellman 07/01/76
6. Judge Michael Dennard 07/01/80
7. Judge Peter McDermott 04/02/81
8. Judge Patricia Young 06/15/81
9. Judge Thomas Morden 08/31/81
10. Justice Roger Burdick 09/01/81

Thank you for your service to the citizens of Idaho!



Media/Courts Committee

The Idaho Media/Court Committee, devoted to issues effecting news media coverage of the judicial branch of government, met recently by telephone conference and discussed a variety of issues, including a general desire by committee members to encourage more and regular contact among judges and reporters at the judicial district level.

The Media/Courts Committee, chaired by Chief Justice Linda Copple Trout, and including representatives of newspapers and television and radio stations, the Idaho Press Club, attorneys, judges and clerks, regularly monitors cameras in the courtroom issues, but also makes suggestions on a variety of other media/courts issues.

The committee is encouraging a renewed effort to schedule media/court conversations at the district level as a means to better overall communication and awareness of issues. The group also made several suggestions to update the Internet Guide to the Idaho Courts, which is a fundamental reference tool for reporters who want to cover Idaho judicial proceedings.



2003 Class of New Judges (Left to Right): Judges Randy Stoker, Rick Bollar, James Archibald, Steve Verby, John Bradbury, Ralph Savage, and Todd Joyner.

Judicial Education

New Judges Orientation – Phase 1

Judges who have taken office since the last “New Judges Orientation” were in Boise the week of September 29-October 3, 2003, for an intensive course of instruction by fellow judges, seasoned practitioners, and other selected faculty. Attending were District Judges Steven C. Verby (1st District) and John H. Bradbury (2nd District), as well as Magistrate Judges Todd M. Joyner (Canyon County, 3rd District), Randy J. Stoker (Twin Falls County, 5th District), Rick L. Bollar (Cassia County, 5th District), R. James Archibald (Bingham County, 7th District) and Ralph Savage (Butte County, 7th District).

Orientation Phase 2/Magistrate Judges Institute Set

New Magistrate Judges continued their training with a 1 1/2 day “Phase 2” program covering topics specific to Magistrate Judges, on Monday, November 3, 2003, and Tuesday morning, November 4.

The Annual Magistrate Judges Institute formally began on Tuesday afternoon, November 4, 2003, at 1:30 PM, and continued through Friday, November 7, 2003.

District Judges Seminar Set

A similar format and substantive type changes are planned for the District Judges Seminar, formally scheduled to begin on the afternoon of January 20, 2004. The January 19 date refers to that portion which will apply to new District Judges as an extension of the New Judges Orientation, Phase 2. Topics to be presented on Monday and Tuesday mornings will be specific to District Judges, although all other judges are welcome to attend. Registration materials will reflect these changes as well. Watch for registration materials.

Chemerinsky Lecture Well Received

Idaho’s judiciary and many members of the bar once again enthusiastically received the U. S. Supreme Court Review by Professor Erwin Chemerinsky of the University of Southern California School of Law. The lecture was received this year by live and interactive distance learning technology.

Professor Chemerinsky’s outline is available by contacting Judge Lowell Castleton at lcastleton@isc.state.id.us. The presentation is available via vide-streaming at:

<http://www2.state.id.us/judicial/material.htm#video03>

The evaluations from various judicial districts are in – and while all would prefer to have Professor Chemerinsky at a single Idaho location in person –the comments still vary from a simple “Excellent” to “Even though I don’t actively follow U. S. Supreme Court decisions, it was invaluable and fascinating to have such a brilliant national authority ‘right here in Idaho Falls’.” “The problems inherent in distance learning technology (video/audio problems, etc.) are a small price to pay for having such excellent resources available on a local basis.” One participant expressed the sentiments of many: “Professor Chemerinsky should always be a part of our programs!”

That is the plan. Arrangements have been made for an encore performance. Professor Chemerinsky has committed to another afternoon with the Idaho judiciary on August 6, 2004. All efforts will be made to avoid any scheduling problems such as those that surfaced at the last moment this year.



Drug Court Guidelines Near Completion

Work is nearing completion on a set of statewide guidelines for the operation and evaluation of the adult drug courts in Idaho. A work group made up of members of the Statewide Drug Court Coordinating Committee, chaired by Justice Daniel Eismann, has labored in an exhaustive effort to craft guidelines that will be helpful to new drug courts, useful to existing drug courts and provide a consistent framework for evaluation of the results of drug courts across the state.

Development of the guidelines is one of the statutory duties of the Statewide Committee, under provisions of the Idaho Drug Court Act. The guidelines address eligibility for drug court, identification and screening, assessment, treatment and treatment providers, case management and supervision and evaluation, as mandated by the Drug Court Act. In addition the guidelines address coordination of services, a critical element of success for drug courts. Idaho has been identified by the National Association of Drug Court Professionals as a resource

to other states in development of statewide guidelines. The workgroup presented the guidelines for adoption at the Coordinating Committee meeting on September 26th.

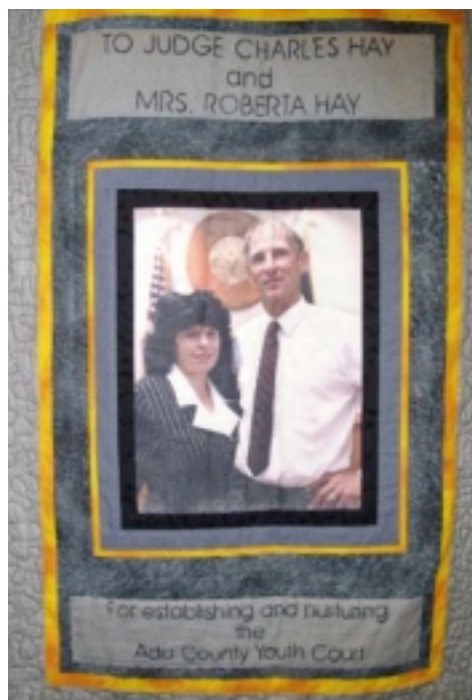


Sixth District Judge Randy Smith visits with one of the first graduates of Bannock County's drug court. Governor Dirk Kempthorne also participated in the ceremony marking the successful completion of the drug court program.

Drug Court Graduation Held

District Judge Randy Smith presided over Bannock County's first Felony Drug Court Graduation on August 26th. Governor Dirk Kempthorne was the featured speaker at the program honoring the first two graduates who completed the 18-month program.

This quilt, shown at the recent Boise Basin Quilters show, is in honor of Judge Hay and his work for the Youth Courts. The squares around the edges reflect the different schools with Judge Hay in the center quilt.





Last Payroll Date

The last pay date for 2003 is December 1, 2003. If you would like to make any changes to your deferred compensation or withholding for the last pay date of 2003, we will need to have your changes to the Court Services Office by **November 14, 2003**.

Some employees will notice more money in their November and December paychecks. This happens when your annual salary is more than \$87,000. Once you are over \$87,000, SSDI (FICA), 6.2 percent is no longer deducted. If you are direct deposit through my office, please pay attention to the net pay amount on your pay stub. In 2004, the estimated maximum SSDI (FICA) will go up to \$88,100.

Listed below is the State Controller's 2004 schedule for payroll dates and changes:

Paperwork for changes		
Month	Pay Date	Due to Court Services Office
December 2003	January 2, 2004	December 16, 2003
January 2004	February 2, 2004	January 20, 2004
February 2004	March 1, 2004	February 17, 2004
March 2004	April 1, 2004	March 21, 2004
April 2004	May 3, 2004	April 19, 2004
May 2004	June 1, 2004	May 17, 2004
June 2004	July 1, 2004	June 15, 2004
July 2004	August 2, 2004	July 20, 2004
August 2004	September 1, 2004	August 17, 2004
September 2004	October 1, 2004	September 20, 2004
October 2004	November 1, 2004	October 18, 2004
November 2004	December 1, 2004	November

Payroll warrants **cannot** be redeemed prior to the pay date on the warrant. Pay dates are always the first working day of the month (which may not be the first day of the month). Please do not redeem the payroll warrant prior to the pay date. The State Treasurer has informed us they can reject the deposit if it is redeemed early. Please pay special attention to the date on your payroll warrant.

The following are policies that are currently in place:

- ☞ Mileage for court travel is \$.36 per mile
- ☞ Per diem is \$30.00 for a full day away from your official home station and the breakdown for a partial day is \$7.50 for breakfast, \$10.50 for lunch, and \$16.50 for dinner.

If you are out of state, the full day rate is \$30.00 and the partial day breakdown is \$7.50 for breakfast, \$10.50 for lunch, and \$16.50 for dinner. Any out of state or out of district travel must be approved in writing prior to travel.

Annual leave accumulates for all employees on a monthly basis. Leave notices need to be turned in to the Trial Court Administrator by the 10th of each month. Should you have questions regarding leave and the rate you receive, please contact Corrie Keller at 208-334-2248.

Salary Affidavits need to be faxed to the Court Services Office by the 20th of each month. If you signed up for Direct Deposit and your Salary Affidavit is not received by the 20th of each month, your direct deposit will be turned off and you will be issued a manual check. The fax number is 208-334-2146. Please fax your affidavit and do not mail the original.

Deferred Compensation

For those in the 401(k) Plan, the 2004 maximum annual contribution is \$13,000. For those in the 457 Plan, the 2004 maximum annual contribution is \$13,000. If you would like more information, please contact Corrie Keller 208-334-2248.

Personnel Matters

If you have questions regarding personnel matters, such as insurance, vacation and sick leave balances, payroll, or travel, please feel free to contact the Court Services Office at 208-334-2248, so we can help you understand the policies in place and answer any questions you may have.

Again, we are here to help and hope you will contact us at anytime with questions or concerns. **Remember, December 1, 2003, is the final pay date for this year.**

Life Insurance Open Enrollment Underway

Members of the PERSI Retirement System can currently purchase term life insurance coverage through the Voluntary Group Life Plan with the National Conference on Public Employees Retirement System (NCPERS). The cost is \$16.00 per month. The open enrollment period is currently running and will continue until November 15, 2003.

The life insurance plan is designed as a supplement other life insurance. The coverage is available with no medical check or exam requirements and the monthly premiums stay the same regardless of age.

Additional information is available by contacting the Court Services Office at 208-334-2248 or by e-mail at pdougherty@isc.state.id.us. Brochures on the insurance program are available.



Technology/ISTARS

Child Protection Module Developing

In an effort to help Idaho meet the federally mandated time standards associated with the processing of foster care cases, the new ISTARS system is being enhanced. The new CPA Module will help judges and clerks make sure that court hearings are being held within the prescribed time frames. Additionally, data will be collected that will assist researchers in determining whether Idaho is in compliance with these standards. Most importantly, this new functionality will help the Idaho courts efficiently deal with the children that find themselves involved in the child protection process.

New Jury System Underway

Responding to requests from several counties, a jury management system, developed by the same company that has developed ISTARS, has been acquired and is being modified for use by courts in Idaho. Bannock County has been identified as the pilot county to test this new software. The software will be delivered to Bannock County for testing by the end of October.



Note: For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www2.state.id.us/judicial/calendar.htm>



JUDICIAL/ADMINISTRATIVE NEWS is published by the Idaho Supreme Court.

Chief Justice Linda Copple Trout

Justice Gerald F. Schroeder

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

Justice Roger S. Burdick

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

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Thanks!